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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,874	03/26/2001	Noel Roger Wakelin	1029.65160	8699

24978 7590 12/08/2003

GREER, BURNS & CRAIN  
300 S WACKER DR  
25TH FLOOR  
CHICAGO, IL 60606

EXAMINER

TRAN, LOUIS B

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 12/08/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/744,874

**Applicant(s)**

WAKELIN ET AL.

**Examiner**

Louis B Tran

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to applicant's amendment, Paper No. 16, received on 11/06/2003.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (5,598,892) in view of Causey et al. (4,207,675).

With respect to claim 1, Fox shows a handle 60 for attaching to a trigger 62 operated hand tool wherein the handle includes a shaft 22 adapted so as to be attachable at one end to the hand tool 12, a hand grip 60 located at the other end of the shaft, a trigger activator positioned near the hand grip capable of being operatively connected to the trigger associated with the hand tool, and the hand grip is angled with respect to the longitudinal axis of the shaft to allow the handle to be easily gripped by a person's hand and wherein the hand grip includes a second hand grip positioned on the shaft at a point intermediate to the two ends of the shaft as seen in Figure 1 of Fox.

Fox does not explicitly show a second hand grip being slidable along the length of the shaft and selectively detachable along the shaft.

However, Causey et al. shows a second hand grip 84 being slidable along the length of the shaft and selectively detachable along the shaft for the purpose of providing convenience and comfort to the operator as in column 6, lines 25-40.

Therefore, it would have been obvious to one having ordinary skill in the art to provide a slidable feature in order to provide convenience and comfort to an operator.

With respect to claim 2, Fox shows wherein the trigger operated hand tool is motorized as described in column 1, lines 4-7.

With respect to claim 3, Fox shows wherein the trigger operated hand tool is a nail gun as described in column 1, lines 4-7.

With respect to claim 4, Fox discloses the claimed invention except for a shaft is substantially a length of 50 cm to 70 cm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to find the optimum range for a shaft, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claim 5, Fox shows wherein the shaft includes a clamp 40 at one end thereof capable of holding a nail gun.

With respect to claim 7, Fox shows wherein the trigger activator is in the form of a lever 62 as seen in Figure 1.

With respect to claim 6, Fox discloses the invention substantially as claimed but does not show wherein the trigger activator is in the form of a button or switch.

However, Causey et al. teaches the use of a trigger activator this is in the form of a button or switch as seen in Figure 1 and 3, and also shows wherein the trigger activator is electrically connected to the trigger mechanism of the hand tool (as in claim 8), wherein the trigger activator is electrically connected to the electric device configured to be capable of operating the trigger associated with the hand tool (as in claim 9) for the purpose of controlling the flow of power to operate the hand tool as in column 6, lines 6-25.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Fox with a switch or button instead of a lever to control power in a tool.

Furthermore, applicant has stated in the remarks portion of paper no. 10, page 7, line 1, "Anyone of ordinary skill, based on the specification as filed would know to place the button switch near the grip in similar fashion to the lever. Furthermore, the conversion of electrical to mechanical energy is common in the mechanical arts, as is exemplified by solenoids, which are widely used in many applications. The disposition of the electrical device relative to the tool is also easily within the knowledge of one of ordinary skill, as the device needs to be positioned in operational relationship to the trigger."

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (5,598,892) in view Causey et al. (4,207,675) in further view of Swiderski, Jr. et al. (4,147,220).

Fox discloses the invention substantially as claimed including wherein a cable 64 is attached at its opposite to a second lever which is pivoted via the relative shortening

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or lengthening of the cable, to control activation of the trigger associated with the hand tool (as in claim 11), and wherein one end a connected to the lever such that pivoting of the lever causes the relative length of the cable to increase or decrease for the purpose of controlling activation of the trigger associated with the hand tool (as in claim 10) but does not specifically show a cable to control activation of the trigger associated with the nail gun.

However, Swiderski, Jr. et al. teaches the use of a cable 16 to control activation of the trigger associated with the nail gun for the purpose transmitting force in substantially the same way as does the human finger as in column 1, line 31.

Therefore, it would have been obvious to one having ordinary skill in the art to provide a cable in order to actuate a power tool at a removed distance for transmitting a force.

### ***Conclusion***

5. Applicant's remarks have been fully considered but are deemed moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JOHN SIPOS  
PRIMARY EXAMINER

lbt